

November 4, 2010

COUNTY OFFICE BUILDING -- 197 MAIN STREET -- COOPERSTOWN, NEW YORK 13326-1129

CLERK OF THE BOARD

PHONE: (607) 547-4202

FAX: (607) 547-4260

RECEIVED  
2010 NOV 15 PM 4:32  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

## RESOLUTION

The attached resolution was adopted by the Otsego County Board of Representatives on November 3, 2010.

From : Laura A. Child  
Clerk of the Board  
Otsego County, New York  
607-547-4202

(Document=Resolution-Memo/forms)

RESOLUTION NO. 324-20101103

RESOLUTION - IN OPPOSITION TO THE TOTAL MAXIMUM DAILY  
LOAD (TMDL) PROPOSED BY THE UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY (EPA) FOR THE NEW YORK PORTION OF THE  
CHESAPEAKE BAY WATERSHED

FOURNIER, MCCARTY, POWERS, MURPHY

WHEREAS, New York is a minor contributor of nutrients and sediment to the Chesapeake Bay via the Susquehanna River as determined by the Chesapeake Bay Model 5.3; contributing less than 10%; and

WHEREAS, the quality of water leaving New York via the Susquehanna River is very high when compared to that of other Bay states and has improved, as shown by physical monitoring and numerous Chesapeake Bay model simulations since 1985; and

WHEREAS, the percent reductions in total nitrogen, total phosphorus and total suspended sediment in the TMDL proposed for the New York portion of the Bay's watershed by the EPA are of the same magnitude as those proposed for the Bay's major contributors of nutrients and sediment whose contributions have increased since 1985; and

WHEREAS, New York State's working group, consisting of the New York State Department of Environmental Conservation, New York State Department of Agriculture and Markets, individual Soil and Water Conservation Districts from across the southern tier, the Upper Susquehanna Coalition and Cornell University, has submitted a Watershed Implementation Plan (WIP) that is rooted in science,

an understanding of the trends in agriculture, demographics, land-use and climate in New York, is reasonable, realistic and based on available funds; and

WHEREAS, the EPA rejected the WIP as grossly deficient and proposes such 'backstop' measures as a ban on winter spreading of manure, CAFO style regulations for all animal operations, significant expansion of Municipal Separate Storm Sewer System (MS4) regulations to small communities, significant retrofitting of infrastructure for existing MS4 communities and the purchase, installation and maintenance state-of-the-art technology for municipal Waste Water Treatment Plants; and

WHEREAS, the cost of these proposed 'back-stop' measures are to be borne by New York State, local municipalities and individual farmers; and

WHEREAS, the proposed 'back-stop' measures do not reflect the inherent difficulty in cleaning clean water, do not reflect an adequate understanding of trends in agriculture, demographics, land-use and climate in New York, call into question the equitable distribution of nutrient reductions across the watershed, threaten the economic well being of the agricultural industry and State and local municipal budgets and are not accompanied with any reasonable assurance of federal assistance equal to the estimated cost of implementation; and



WHEREAS, the level of implementation desired by the EPA and required by the proposed TMDL will not significantly improve the water quality of the Bay given New York's small contribution and distance from the Bay; now, therefore, be it

RESOLVED, that the Otsego County Board of Representatives strongly opposes the nutrient and sediment reduction goals for New York described in the current TMDL proposal as unrealistic, unaffordable and inequitable; and be it further

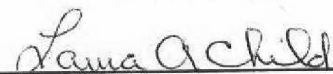
RESOLVED, that this resolution be sent to EPA Administrator Lisa Jackson, EPA Region 3 Administrator Shawn Garvin, EPA Region 2 Administrator Judith Enck and New York State DEC Acting Commissioner Peter Iwanowicz.

STATE OF NEW YORK :  
: SS  
COUNTY OF OTSEGO :

I, Laura A. Child, Clerk of the Board of Representatives of Otsego County, New York, DO HEREBY CERTIFY that I have compared the foregoing copy of resolution with the original resolution on file in my office and that the same is a true and complete copy thereof as duly adopted by said Board of Representatives while in session on the 3<sup>rd</sup> day of November, 2010.

WITNESS my hand and the official seal of the Board of Representatives of Otsego County, New York, this 4<sup>th</sup> day of November, 2010.

(SEAL)

  
\_\_\_\_\_  
Clerk, Board of Representatives  
Otsego County, New York



OTSEGO COUNTY  
BOARD OF REPRESENTATIVES  
197 MAIN ST  
COOPERSTOWN, NY 13326-1129

LISA JACKSON  
EPA ADMINISTRATOR  
ARIEL RIOS BUILDING  
1200 PENNSYLVANIA AVE NW  
WASHINGTON DC 20460



UNITED STATES POSTAGE  
PRIME BOOKS  
\$ 00.44<sup>0</sup>  
02 1R  
000655 7664 NOV 08 2010  
MAILED FROM ZIP CODE 13326